

Application No. 09/820,582
Amendment "C" dated March 9, 2006
Reply to Office Action mailed December 28, 2005

REMARKS

Claims 1-41 are pending, of which claims 1, 18, 24, and 31 are independent method claims and claim 27 is a computer program product claim corresponding to claim 18. As indicated above, claims 1, 4-7, 9-11, 18, 21, 24, 27, and 31 have been amended by this paper. Claims 36-42 are new.¹

This Office Action mailed December 28, 2005 considered claims 1-35. Claims 1-11, 13-35 are rejected under 35 U.S.C. 102(c) as being anticipated by Goode (US 6,718,552). Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goode.²

As defined in independent claim 1, applicants' inventive method is directed to restructuring a broadcast and comprises generating viewing behavior information at a first home entertainment system. Claim 1 defines, upon the occurrence of an event at a first home entertainment system, initiating usage tracking for a selected type of viewable moving image data usage for viewable moving image data of a selected channel, the selected type of viewable moving image data usage being selected from among a plurality of different types of viewable moving image data usage that can be tracked each time one of the plurality of different types of viewable moving image data usage are utilized at the first home entertainment system. Next claim 1 defines, in response to the event, tracking a utilization of the selected type of viewable moving image data usage, from among the plurality of different types of viewable moving image data usage, for the moving image data at the first home entertainment system by generating user behavior information to indicate that the selected type of viewable moving image data usage is utilized. Next claim 1 defines, coupling the event with the generated user behavior information for the first home entertainment system. Next claim 1, defines combining the event and the generated user behavior information from the first home entertainment system with events and corresponding generated user behavior information from other home entertainment systems, the other home entertainment systems also utilizing a type of viewable moving image data usage selected from among the plurality of different types of viewable moving image data usage for the

¹Support for the amendments can be found throughout the Specification, and particularly at page 15, line 22 -- page 16, line 3, page 17, lines 16-21, and page 20, lines 7-20.

² Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

Application No. 09/820,582
Amendment "C" dated March 9, 2006
Reply to Office Action mailed December 28, 2005

selected channel, wherein the other home entertainment centers also track each time one of the plurality of different types of viewable moving image data usage is utilized in response to a corresponding event. Lastly claim 1 defines, dynamically restructuring the broadcast of at least the selected channel, by at least restructuring the viewable moving image data of the selected channel, and without having to change allocated bandwidth to said selected channel, based on the different types of viewable moving image data usage indicated in the combined events and generated user behavior information so as to optimize the use of the fixed bandwidth.

Independent method claim 18 and its computer program product counterpart (e.g., claim 27) and method claims 24 and 31 claim the method in terms similar to those of claim 1, except that the steps recited in claim 1 have been replaced by specific acts.

In the office action, each of the independent claims, 1, 18, 24, 27, and 31 were rejected using Goode (U.S. Patent No. 6,718,552) as the primary reference.³

Goode is directed to a network bandwidth optimization system. The Goode system allocates channels within the broadest spectrum to video-programming having high viewership characteristics. (Col. 3, lls. 6-9). Remaining video-programming is then allocated to the remaining channels and is transmitted only upon demand by customers. (Col. 3, lls. 10-12). Thus, channels characterized by high viewership statistics are semi-static, while channels characterized by lower viewership statistics are dynamically allocated on-demand channels or narrow cast channels. (Col. 3, l. 21 – Col. 4, l. 50). With variation in viewership over time, programming can change between different portions of channels or can cease. (Col. 4, lls. 12-50). Session Control Managers (SCM) can collect information from subscriber stations regarding frequency of channel usage and favorite channel selections. (Col. 5, lls. 36-39). Collected information is made available to a broadcast interconnect, which uses the information to manage broadcast and narrowcast channels. (Col. 5, lls. 39-42).

However, none of the cited references or other prior art of record, either singly or in combination, anticipate or make obvious, Applicant's inventive method for restructuring a broadcast. In particular, none of the references of record anticipate or make obvious upon the

³ In the office action, claims 1-11 and 13-35 was rejected under 35 U.S.C. § 102(e) as being anticipated by Goode. Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Goode. With respect to claim 12, official notice was taken that electronic program guides that provide data to at least one of program and an advertisement are notoriously well known in the art.

Application No. 09/820,582
Amendment "C" dated March 9, 2006
Reply to Office Action mailed December 28, 2005

occurrence of an event at a first home entertainment system, initiating usage tracking for a selected type of viewable moving image data usage for viewable moving image data of a selected channel, the selected type of viewable moving image data usage being selected from among a plurality of different types of viewable moving image data usage that can be tracked each time one of the plurality of different types of viewable moving image data usage are utilized at the first home entertainment system; in response to the event, tracking a utilization of the selected type of viewable moving image data usage, from among the plurality of different types of viewable moving image data usage, for the moving image data at the first home entertainment system by generating user behavior information to indicate that the selected type of viewable moving image data usage is utilized; and dynamically restructuring the broadcast of at least the selected channel, by at least restructuring the viewable moving image data of the selected channel, and without having to change allocated bandwidth to said selected channel, based on the different types of viewable moving image data usage indicated in the combined events and generated user behavior information so as to optimize the use of the fixed bandwidth. For at least these reasons Applicants respectfully submit that the cited art fails to anticipate or make obvious claims 1, 18, 24, 27, and 31. Favorable reconsideration and allowance over the prior art is thus respectfully requested.⁴

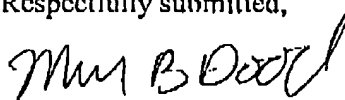
⁴ Further, each of the dependent claims depend from one of the independent claims 1, 18, 24, 27, and 31 and thus inherit all the limitations of one of claims 1, 18, 24, 27, and 31, accordingly none of the cited references or other prior art of record, either singly or in combination, anticipate or make obvious any of these pending dependent claims.

Application No. 09/620,582
Amendment "C" dated March 9, 2006
Reply to Office Action mailed December 28, 2005

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 9th day of March, 2006.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
MICHAEL B. DODD
Registration No. 46,437
Attorneys for Applicant
Customer No. 047973

MJD:erb
(K)0000000532V001